

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**IN RE: CHANGE HEALTHCARE,
INC. CUSTOMER DATA SECURITY
BREACH LITIGATION**

*This Document Relates To All Provider
Actions*

This Document Relates to:

TOTAL CARE DENTAL and
ORTHODONTICS, ET AL.,
Plaintiffs,
v.
UNITEDHEALTH GROUP
INCORPORATED, ET AL.
Defendants.

[Case No. 25-cv-00179]

This Document Relates to:

ODOM SPORTS MEDICINE P.A. D/B/A
ODOM HEALTH & WELLNESS,
Plaintiffs,
v.
UNITEDHEALTH GROUP
INCORPORATED, ET AL.
Defendants.

[Case No. 25-cv-00949]

Case No. 24-md-3108 (DWF/DJF)

**DECLARATION OF JOHN FOSS IN
SUPPORT OF DEFENDANTS'
SURREPLY TO PLAINTIFFS'
REPLY IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR
PRELIMINARY INJUNCTION AND
DECLARATORY JUDGMENT**

I, John Foss, declare as follows:

1. I am over the age of 18 and am competent to make this declaration. I am employed as the Senior Vice President and General Manager for the Medical Network Business within Optum Insight. I submit this declaration in support of Defendants' Surreply to Plaintiffs' Reply in Support of Plaintiffs' Motions for Preliminary Injunction and Declaratory Judgment, filed in the above-captioned matter. The facts set forth herein are based upon my personal knowledge and my review of business records available to me as they are kept in the ordinary course of business for Optum Insight. If called as a witness to testify regarding these facts, I could and would do so competently.

2. I am responsible for overseeing the medical clearinghouse and payer and provider connections within our organization. I have been responsible for the medical clearinghouse business for the past two years. Prior to that, I was the technology leader for the pharmacy business for many years.

3. I understand that Plaintiffs in the above-captioned matter allege there is a "backlog of claims" that has arisen following the temporary pause in Change Healthcare's services. To the extent the term "backlog" refers to a delay between the submission of a claim to the Change Healthcare clearinghouse ("the Clearinghouse") and the receipt of that claim by a payer, I am not aware of any such backlog that currently exists. When a backlog develops, it typically does not persist for more than a day. As of the date of this declaration, the Clearinghouse is not experiencing issues that would result in the development of a backlog for any entity that uses the Clearinghouse.

4. Some providers are direct customers of Change Healthcare and/or its affiliates and submit their claims to payers directly through the Clearinghouse. Others, such

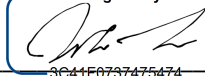
as Plaintiffs Dillman Clinic and Labs (“Dillman”) and Odom Sports Medicine P.A. d/b/a Odom Health & Wellness (“Odom”), submit their claims to a third party, which in turn submits them to payers via the Clearinghouse. It is possible that a claim could be held at a third party, such as those third parties that Dillman and Odom use to submit claims, and not provided to the Clearinghouse. However, Change Healthcare and/or its affiliates have no way to know whether or not this is happening.

5. The Clearinghouse also facilitates the transmission of Electronic Remittance Advices (“ERAs”) from a payer to a provider. An ERA is an explanation from a payer to a provider about a claim payment, and it details how a payer has adjusted claim charges. An ERA is not the actual payment of funds, which typically takes place on a separate channel from the Clearinghouse. Like the claims submission process, some providers receive ERAs directly from payers via the Clearinghouse, while other providers work with a third party, which in turn uses the Clearinghouse to transmit ERAs from payers to the providers. As of the date of this declaration, I am not aware of any backlog in transmitting ERAs from payers via the clearinghouse. As with claims submissions, Change Healthcare and/or its affiliates have no way of knowing whether an ERA actually reaches a provider if the provider is using a third party to receive such information.

6. Although I am not aware of any “backlog” or other issue affecting the submission of claims or delivery of ERAs for Dillman or Odom, in order to investigate their particular complaints further, these providers would need to provide additional information, such as data on specific claims or ERAs that they believe have been affected.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed this 5th day of May 2025.

DocuSigned by:

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JOHN FOSS